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February 13, 2020

Hon. James L. Garrity
United States Bankruptcy Court
One Bowling Green
New York, New York 10004

Re: El San Juan City Island on 5TH Ave., LLC.
Case No. 20-10103-jlg
Chapter 11 Case

Dear Judge Garrity:

I write in response to the Letter Filed by Howard Levine on behalf of La Casa Quinta L.P. [ECF No. 10] and Declaration Under Penalty of Perjury for Non-Individual Debtors [ECF No. 11].

Mr. Levine requests that the Court enter a proposed order, without a hearing, pursuant to 11 U.S.C. 362(c)(4)(a)(ii) that confirms “no stay is in effect.” The Debtor requests that the Court deny Mr. Levine’s request. The Bankruptcy Code provision cited by Mr. Levine provides in relevant part

(4)(A)(i) if a single or joint case is filed by or against a debtor **who is an individual** under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b) , the stay under subsection (a) shall not go into effect upon the filing of the later case; and

(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect.

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Since the plain language of the statute limits the relief sought to cases filed by individual debtors, Mr. Levine's request should not be granted.

Thank you for your time and consideration.

Very truly yours,

/s/Norma E. Ortiz

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